

REMARKS

Applicant respectfully submits this response to an Office Action mailed on September 21, 2004. Claims 1, 10 and 15 are amended. Claim 8 is canceled.

In the Office Action, an objection was made to the drawings because the reference numeral "33" designates two objects in Figure 3. Figure 3 is revised such that reference numeral 33 identifies the notch and reference numeral 31 identifies the introducer needle. Reconsideration and acceptance of the revised drawing is respectfully requested.

On page 2 of the Office Action, there is an objection to claim 10. As suggested, Applicants have amended claim 10 to recite a "catheter adapter" in line 2 of the claim. Accordingly, retraction of the objection is requested.

Claims 1-20 were rejected under 35 U.S.C., Section 112 second paragraph for indefiniteness. Applicants respectfully direct the Examiner's attention to amended claims 1, 10 and 15. These claims, as amended, do not contain the phrase "a proximal end of the septum housing is adapted to prevent the attachment of a medical device to the proximal end of the catheter adapter". Therefore, Applicants believe that claims 1-20, as amended, are in a form for allowance. Reconsideration is requested.

On page 3 of the Office Action, claims 1, 2, 6-10 and 12-14 are rejected under 35 U.S.C. Section 102 (b) as anticipated by U.S. Patent No. 4,496,348 to Genese et al. (hereinafter, the Genese patent). Also, claims 1, 2, 5 and 7-14 were rejected under 35 U.S.C. 103 (a) as unpatentable over U.S. Patent 6,551,283 to Guo et al. (hereinafter, the Guo patent) and the Genese patent.

Amended independent claims 1, 10 and 15 recite a septum housing of a "fixed" or "particular" length "wherein the septum housing length is configured to apply a desired compressive force to the septum". Support for this revision to the claims is found on page 9, lines 8-15. The specification clearly states that if the septum housing is present it may be "configured so it would apply the desired compressive force to septum 29 instead of catheter adapter 24". Neither the

Genese or Guo references, alone or in combination, teach or suggest a septum housing having a variable length for applying a desired compressive force to the septum. Accordingly, Applicants believe that amended claims 1, 10, 15 and all claims depending there from are in a form for allowance. Notice to that effect is respectfully requested.

Claims 1-20 were rejected in under the doctrine of obviousness-type double patenting as unpatentable over claim 12 of U.S. Patent 6,506,181 to Meng et al. (hereinafter, the Meng patent) in view of Genese. For reasons stated above, the Genese patent does not teach or suggest a variable length septum housing for applying a desired compressive force on the septum. Further, the Meng patent is commonly owned with this application, and hence, Applicants shall timely file a terminal disclaimer to overcome this double patenting rejection.

In conclusion, Applicants respectfully suggest that the criticality of the septum housing length is established in the specification (see page 9, lines 8-15). As such, claims 1.10 and 15 are amended to reflect this criticality. None of the non-commonly owned cited references teach, or suggest, altering septum housing length to affect the compressive force on the septum. A terminal disclaimer to address the Meng patent shall be filed, if acceptable to the Examiner. Accordingly, Applicants respectfully request reconsideration and allowance of amended claims 1, 10, 15 and all claims depending there from.

Applicant hereby authorizes the Commissioner to charge the fees necessary in connection with this Amendment and any other fees necessary in connection with this application, to Deposit Account Number 02-1666.

If the prosecution of this application could be furthered by a telephone interview, the Examiner is

invited to call Applicants attorney at (201) 847-6802.

Respectfully submitted,

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